



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Stephen J. Briggs, Esq.
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P.O. Box 364
400 Jules Street, Suite 320
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APR 27 2009

RE: MUR 6072
Missouri Western
State University

Dear Mr. Briggs:

On September 22, 2008, the Federal Election Commission notified your client, Missouri Western State University ("Missouri Western") of a complaint alleging a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission found, on April 21, 2009, that there is no reason to believe Missouri Western violated the Act, or the Commission's regulations. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, reading "Susan L. Lebeaux".

Susan L. Lebeaux
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Missouri Western State University

MUR: 6072

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission ("Commission") by David R. Browning, the Libertarian nominee for Missouri's 6th Congressional District. See 2 U.S.C. § 437g(a)(1). For the reasons set forth below, the Commission found no reason to believe that Missouri Western State University ("Missouri Western") violated the Federal Election Campaign Act of 1971, as amended ("the Act"), or the Commission's regulations, and closed the file as to this respondent.

II. DISCUSSION

Missouri Western planned to co-sponsor a candidate debate on October 16, 2008. The participants invited to attend were the individuals who had won the Democratic and Republican nominations in Missouri's August 5, 2008, primary election for the U.S. House of Representatives in the State's 6th Congressional District.

Prior to the debate, complainant, who had won the Libertarian Party's primary election for Missouri's 6th Congressional District and who was qualified to appear on the general election ballot, alleged in a complaint filed with the Commission that Missouri Western had improperly denied him the opportunity to participate in the debates by failing to use pre-established, objective criteria, and by promoting certain candidates over others, in violation of the Commission's debate staging regulation at 11 C.F.R. § 110.13.

In its response submitted before the scheduled debate, Missouri Western states that it had initially agreed to co-sponsor the October 16, 2008, debate, but withdrew after being contacted by complainant. Missouri Western Response at 1. Complainant "asserted that as a candidate of a valid party legally on the ballot, he should be allowed to participate in the debate." *Id.* After discussions among the University president, his staff and outside counsel, Missouri Western advised that it would not co-sponsor the debate

1 unless all qualified candidates who were on the ballot were allowed to participate. *Id.* at 1-2. Missouri
2 Western told the co-sponsor it could still use its facilities as the sole sponsor of the debate, provided that it
3 paid the normal rental fee for the space. *Id.*

4 After Missouri Western's outside general counsel advised the complainant it would not co-sponsor
5 the debate without his participation, complainant orally stated that he would withdraw his complaint against
6 Missouri Western. *Id.* at 2. Missouri Western attached to its response an e-mail dated September 11, 2008,
7 from complainant, thanking the University for its attention to the problem, and stating "I consider this matter
8 settled and will withdraw my complaint against the University." Although the complainant has not formally
9 sought to withdraw his complaint, Missouri Western did not sponsor the debate, which was the subject of the
10 complaint against it. Accordingly, the Commission found no reason to believe that Missouri Western State
11 University violated the Federal Election Campaign Act of 1971, as amended, or the Commission's
12 regulations, and closed the file as to this respondent.